

Clinton W. Cimring
Shangri-La Boutique, Inc.
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Delray Beach, FL 33444-2042

TTAB

December 30, 2008

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-145

Applicant Jason Gambert
Application Serial Number 77171330
Filing Date of Application 2007-05-02
Date of Publication 03/25/2008
International Classes 035
Applied-for Mark SEO

Dear Commissioner:

I am writing to request an extension of time to file an opposition for the trademark SN#77171330 under an exception to Trademark Rule 2.102(c). I request the exception because I originally filed a timely notice of opposition via the ESTTA website <http://estta.uspto.gov/noo/q.jsp>; however, my filing seems to have either been lost or not processed as there is no record of it according to emails and phone calls placed to 5712728500.

Because the original opposition was filed within 180 days from the date of publication, Rule 2.102(c) should not be applicable in this case and I request that my opposition now be processed. I have attached correspondence where I inquired as the status of my opposition as evidence. My company's, Shangri-La Boutique, Inc.'s, reputation would be damaged by the registration of the mark here, "SEO." Shangri-La Boutique, Inc. operates three subsidiaries, Getupdated Inc. (NY), Search Engine Partner (FL), and SEO Treo (FL). Search Engine Partner's motto has been "Strategically Elevating Optimization" (S.E.O.) since operating under the International Cimring Group in 1996 (FEI 650697253). Getupdated has been offering SEO services since the website was registered on 1999-07-03. <http://whois.domaintools.com/getupdated.com>

The website for SEO Treo was registered after we opposed the above trademark on 5/2/2008. See: <http://whois.domaintools.com/seotreo.com>

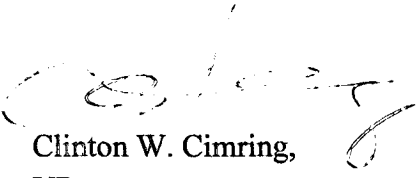


01-23-2009

Moreover, in trademark SN#77171330, the applicant contends the first use anywhere was "was a spam message posted on Usenet on July 26, 1997." <http://www.iasongambert.com/first-known-ssc-service-definition-with-first-known-use.html> If this is true our use of the acronym predates the applicants in this case by one year.

If trademark SN#77171330 is published it will cause confusion within the trade channel of 035.

Sincerely,



Clinton W. Cimring,

VP

Shangri-La Boutique, Inc.

From: tacmail@uspto.gov [mailto:tacmail@uspto.gov]
Sent: Friday, September 19, 2008 2:50 PM
To: info@seotreo.com
Subject: RE: RE: OPPOSITION for serial number 77171330

Dear Sir,

If you want to draft a letter explaining what transpired on your trademark application and when or how our office was negligent in processing your papers, identify the letter as a "Reinstatement Letter", be sure to put serial number and include any supporting documentation. Our office will review for reinstatement and a formal decision will be made by the Petitions Office.

The Petition Office fax number to receive Reinstatement Letters is 571-273-8950, the phone number for this office is 571-272-8950.

If you have any further questions or if you require additional information, please contact the Trademark Assistance Center at 571-272-9250 and press "0". You can reference the following Service Request number: 1-130760819.

Thank you for contacting the Trademark Assistance Center.

[THREAD ID:1-25GJSW]

-----Original Message-----

From: info@seotreo.com
Sent: 9/19/2008 12:01:59 PM
To: "Trademark Assistance Center" <TrademarkAssistanceCenter@USPTO.GOV>
Subject: RE: OPPOSITION for serial number 77171330

Please explain why I should have to pay to reapply when your office lost my original opposition I filed online.

Best regards

Clinton Cimring

[THREAD ID:1-25GJSW]

-----Original Message-----

From: info@seotreo.com

Sent: 5/02/2008 04:37:05 PM

To: "TEAS" <TEAS@USPTO.GOV>; "ECom107" <ECom1073@USPTO.GOV>; "Trademark Assistance Center" <TrademarkAssistanceCenter@USPTO.GOV>

Subject: OPPOSITION for serial number 77171330

How do I file an appeal to the alleged non-receipt of opposition for trademark serial # 77171330? I filed an opposition online; however, no one seems to know anything about it. I filed the opposition online last month within the timeframe allotted.

Best regards

Clinton Cimring
CEO

Office: 561 450 8724

E-mail: info@seotreo.com <mailto:info@seotreo.com>

SEO Treo, Inc.

International: +1 561.450.8724

www.seotreo.com <<http://www.seotreo.com>>

SEO Treo is a "one-stop-shop" for Internet marketing,
online

communication and business development. We deliver a comprehensive range of
products and services for marketing on the Internet: infrastructure,
branding, traffic

generation and converting visitors to business. SEO Treo offers revenue
boosting

solutions in the areas of Internet strategies, communication, concept
development,

web site & portal development, web design, e-commerce, communities, content

management systems, Internet advertising, search engine optimization,
affiliate and
web hosting.

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.169 / Virus Database: 270.7.0/1679 - Release Date: 9/18/2008

5:03 PM

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.169 / Virus Database: 270.7.0/1681 - Release Date: 9/19/2008 3:54 PM

**United States Patent and Trademark Office**

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Trademark Electronic Search System (TESS)

TESS was last updated on Fri Jan 16 04:02:18 EST 2009

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Please logout when you are done to release system resources allocated for you.

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OR

[Jump](#)to record:

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Browser version is TESS (Use the "Book" button of the Internet Browser to return to TESS)

getupdated
Internet marketing

Word Mark**GETUPDATED INTERNET MARKETING****Goods and Services**

(ABANDONED) IC 035. US 100 101 102. G & S: Advertising agency specializing in the design and execution of word of mouth, viral, buzz and experiential marketing programs; Advertising and commercial information services, via the internet; Advertising and marketing; Advertising services, namely promoting properties for sale by owner via the Internet; Advertising services, namely, promoting and marketing the goods and services of others through all public communication means; Advertising services, public relations and marketing services, namely, promoting and marketing the goods and services of others through all public communication means; Advertising via electronic media and specifically the internet; Advertising, marketing and promotion services; Advice in the field of business management and marketing; Arranging and conducting marketing promotional events for others; Business advice and analysis of markets; Business consultation and management regarding marketing activities and launching of new products; Business management consulting with relation to strategy, marketing, production, personnel and retail sale matters; Business marketing consulting services; Business marketing services; Cooperative advertising and marketing; Cooperative advertising and marketing services by way of solicitation, customer service and providing marketing information via websites on a global computer network; Creation of marketing tools designed to increase a client company's knowledge of customer needs, and its competitors' products and services, pricing, advertising strategy and sales strategy; Creative marketing design services; Custom writing services comprising public relations and marketing materials for the audio, video and technology industries; Design of internet advertising; Development of marketing strategies and concepts; Direct marketing advertising for others; Direct marketing consulting services; Direct marketing services. Dissemination of advertising for others via an on-line communications network on the internet; Dissemination of advertising for others via the Internet; Facilitating the exchange of needed information for financial compensation via the Internet; General business merchandising services, namely, marketing; Implementation and follow-up of advice in the fields of marketing; Information or enquiries on business and marketing; Information, advisory and consultancy services relating to business and management or business administration, including such services provided on line or via the internet; Internet advertising services; Market analysis; Market manipulation, research and analysis, whether or not via the internet; Market reports and studies; Market

research; Market research consultation; Market research services; Market research studies; Market segmentation consultation; Market study and analysis of market studies; Marketing consultation in the field of internet marketing; Marketing consulting; Marketing plan development; Marketing services, namely providing informational web pages designed to generate sales traffic via hyperlinks to other web sites; On-line advertising and marketing services; Outsourcing in the field of sales and marketing of computer software; Promoting, advertising and marketing of the on-line websites of others; Promotion and marketing services and related consulting; Promotion, advertising and marketing of on-line websites; Providing advertising, marketing and promotional services, namely development of advertising campaigns for websites; Providing business marketing information; Providing information in the field of marketing and on-line marketing media via the Internet; Providing marketing and promotion of special events; Business monitoring services, namely, tracking websites of others to provide details about user click traffic or visits to the website. Providing and rental of advertising space on the internet. FIRST USE: 20070301. FIRST USE IN COMMERCE: 20070301

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 77345714

Filing Date December 6, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 3, 2008

Owner (APPLICANT) GETUPDATED, INC. CORPORATION NEW YORK 4 FOXWOOD TERRACE PATTERSON NEW YORK 12563

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNET MARKETING" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of "Getupdated" in all lowercase letters with "Internet marketing" underneath.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Abandonment Date May 15, 2008

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